

A

# MEMORIAL

Concerning the  
Origin and Authority  
OF THE  
Parliament of *France*,

CALLED  
JUDICIUM FRANCORUM, the  
Judgment or Tribunal of the *Franks*.

With an Account of the Council of State.

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*Translated from the FRENCH.*

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## THE INTRODUCTION.

**T**HE present Differences between the King of France, and the Parliament of Paris, run so high, that they engage the Attention of the whole World. While that Prince, supported by his prime Minister, is very vigorous in asserting the Royal Prerogative, his Parliament as strenuously maintain what they conceive to be the Rights of that venerable Body. The following curious Pieces will inform us on what they ground their Pretensions. Even those, who are very far from justifying their Proceedings in Opposition to his most Christian Majesty's Edicts, Declarations, &c. have on all Occasions allowed that what we now give the Publick, contains the most plausible

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## INTRODUCTION.

*Arguments in Favour of the Parliament's Conduct, laid down in excellent Order, and urged with all imaginable Art. They were lately printed privately, and handed about in France in the same Manner. Having procured a Copy of them, and being assured that the Publick would not be displeased to know the Bottom of the Question, we here give a faithful Translation of the said Pieces.*





## A MEMORIAL concerning the Origin and Au- thority of the Parlia- ment of *France*, &c.



LL the *French* Historians agree, that during the first Race of our Kings, all the *Franks* assembled yearly. No Man was allow'd to absent himself from those annual Meetings, without a lawful Excuse. The King always appear'd in them, seated on his Tribunal. There Laws were made, Treaties of Peace, War, and Alliances carried on, all the great and important Affairs of the Kingdom transacted ; and every thing was done by free Voting. All the Subjects had a Share in the Debate ; our Monarchy being founded on Liberty, no Government was ever more natural.

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Under the second Race, *France* being considerably augmented by the Conquests of *Charlemagne*, and his Descendants, it then became impossible to assemble the whole People, as had been practised before. For which Reason the Consideration and Determination of all publick Affairs was referred to a Convention of the chief Men of the Kingdom, which was likewise held once a Year, sometimes in one Place, and sometimes in another.

This Form of Government continued three hundred Years under the third Race; during which Time nothing was done without this publick Authority. There was no other Tribunal for Affairs of State, and the general Polity of the Kingdom. For which Reason our Historians have called this Assembly, *Judicium Francorum*.

In the Reign of *Philip Augustus*, this Assembly, by the Judgment of which every thing was determin'd, changed its Name for that of a *Parliament*; but their Jurisdiction was still the same.

This Parliament continued Ambulatory till the Reign of *Philip the Fair*, when *Lewis Hutin* gave his Palace for its Use; and at the same Time, as publick Affairs did not present themselves every Day, it began to take Cognizance by Appeal of Causes of great Importance and Weight, which concerned only private Persons.

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The Parliament did not, however, lose its Right of taking Cognizance of publick Affairs. It was careful not to renounce a Privilege so advantageous, and so necessary for the Good of the Nation. It still represented that general Assembly of the *Franks*, and though become Sedentary, still retained its antient Dignity and Power.

And in Reality, we see that the Parliament has always been an Abridgment of the three States. We there find the Church represented by a great Number of Ecclesiastical Counsellors: The Nobility appear there by the Persons of the Princes of the Blood, and the Dukes and Peers of *France*. In short, the Parliament is a mixed Body, which represents all the Ranks of the Kingdom. The King keeps his *Bed of Justice* there, in Imitation of that august Tribunal, on which he was always seated in the general Assembly of the *Franks* at the Beginning of the Monarchy, or in the Assembly of the Grandees under the second Race, and above three hundred Years under the third.

The Parliament at this Day judges the same Causes. Foreign Nations do not think Peace concluded with this Kingdom, till it is treated in, and accepted by that Court; and the King sends thither his Motives for making War. It is a fundamental Law, that nothing can be imposed  
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on the King's Subjects, that no Officer can be created in *France*, no new Title of Honour be conferr'd, without the Consent of the Parliament, which represents the general Consent of the People. Such is the essential Form of the *French* Government.

It is well known likewise that the Parliament takes cognizance of the Domain, the Right of the \* *Regale*, of Dutchies, Peerages, and all the great Rights of the Crown. The Officers of the State, the Dukes, Peers, and Princes of the Blood, can be tried only by the Parliament, which has the same Authority over all Sorts of Ecclesiasticks, of what Rank or Dignity soever.

In the Reign of King *Philip* of *Valois*, the Parliament condemned *Robert* of *Artois*; *John* of *Alençon* in that of *Charles* the VIIth; the Constable of St. *Paul*, and *James* of *Armagnac* Duke of *Nemours*, who were beheaded under *Lewis* XI. *Charles* of *Bourbon*, High-Constable of *France*, was condemned by that Court in the Time of *Francis* I. Under *Francis* II. the Parliament repealed the Sentence of Condemnation against the Prince of *Condé*, because it had been given by Commissaries.

\* The *Regale* is a Right which the Kings of *France* have to name the Bishops in their Kingdom, enjoy the Revenues of Bishopricks, and dispose of Benefices, during the Vacancy of the Episcopal Sees.

rics. Under *Charles IX.* it condemned **Admiral de Coligny.** Under *Lewis XIII.* when **Cardinal Richelieu** had violated all the Laws of the State, Application was made to the Parliament, for condemning the Memory of the Count of *Sohigns*; the Cardinal being very sensible that was the only Tribunal for the great Affairs of the Kingdom. And during the Minority of *Lewis XIV.* it gave Sentence of Death against *Lewis of Bourbon, Prince of Conde,* by its Decree of the 24th of March, 1654.

The Authority of the Parliament has been esteem'd so venerable, that foreign Princes have sometimes chosen it Umpire of their Differences.

The Emperor *Frederick II.* submitted to its Judgment concerning his Pretensions to the Kingdom of *Sicily*, in Opposition to Pope *Innocent IV.* The Duke of *Lorraine*, and *Guy of Chatillon* applied to the Parliament for regulating the Division of their Lands and Lordships. The Dauphin of *Viennois*, and the Count of *Savoy* proceeded in the same Manner in regard to the Homage for the Marquisate of *Saluces*. And which is yet more remarkable, in the Year 1403 the Kings of *Castile* and *Portugal*, sent to the Parliament for its Approbation of the Treaty of Peace carrying on between those Princes.

The Regents of the Kingdom are appointed by the Parliament. *Lewis XIII.* and *Lewis XIV.* convinced of the Necessity of this, sent their Wills to the Parliament, to be approved and confirmed there, because they related to the Establishment of a Regency, and the Order of Government; being of Opinion that their last Will could not be executed without the Consent of the Nation represented by the Parliament. Nor was it ever thought that the Renunciation of the Crown of *France*, made by *Philip V.* the present King of *Spain*, and of that of *Spain* by the Dukes of *Berry* and *Orleans*, would have been in due Form, had they not been register'd in Parliament.

This Court maintain'd the Law which gives the Succession to the Male Heirs, in the Person of *Philip de Valois* against the Pretensions of *Edwaad III.* King of *England*. It was the Parliament likewise that supported the same Law in the Reign of *Henry IV.*, and restored the Tranquility of the whole Monarchy by its Authority.

It may be added, that *Charles V.* surnamed *the Wise*, never declared War, nor did any important Affair, but with and by the Advice of the Parliament. *Lewis XI.* tho' more jealous of his Authority than any of his Predecessors, thank'd the Parliament

liament for rejecting some Edicts which he had sent to be registered in that Court, because they were contrary to the Good of his People ; and at the same time promised he would never again attempt to force the Members to do any thing against their Conscience. When at the Point of Death, among other Instructions to his Son, he exhorted him never to undertake any thing without the Advice of his Peers and Parliament ; and desired that this Remonstrance and Admonition might be register'd in Parliament.

*Francis I.* told the Emperor *Charles V*, that all the Promises he himself could make him for his Liberty, would be to no Purpose ; that in this Affair the Laws of his Kingdom had made the Consent of his Parliament absolutely necessary, which was the real Depository of his Authority, and represented his whole Kingdom.

*Henry III.* repeal'd all the Edicts which he had made contrary to the Advice of the Parliament, owning that he had acted against the Order of the State, and that, had he not violated that fundamental Law, his Reign would not have been unfortunate. Do not such Acknowledgments as these made by our Kings, even in late Reigns, visibly condemn all the Letters of *Jussion*, (Command) and the

Orders of \* *Evocation of Causes*, of which the Parliament have a Right to take Cognizance.

In the antient Registers of the Parliament we find, that when that Body thought proper to reject any Edict, it always used these Words : *The Court has resolved not to obey.* And in the Troubles, which happened during the Minority of *Lewis XIV*, even in the midst of those publick Disorders, occasion'd, and the Violence exercised by those who called themselves *Ministers*, how often did the Parliament declare that it neither could, nor ought to accept of the proposed Edict ?

Whenever any Question arises, in which the People are concerned, it is not to be resolved by the King's Council. The King can make no Contract with his People out of Parliament, nor reverse any thing already done, but in the same Court. It is an Affair which requires Debate and Discussion. Every thing must be examined there, with full Liberty of Voting ; for which Reason the King always holds his *Bed of Justice* in that Court, as his Predecessors had their Tribunal raised in the

\* This Word in the *French Language* signifies an Order, by which a Cause is brought before a higher Court. In this place its Meaning is calling a Cause before the *Council of State*, which the Parliament have a Right to determine.

the general Assembly of the *Franks*. And, to repeat what has been before said, the Parliament will always represent that Assembly, and have the same Authority. Thus it appears as antient as the Crown itself, and coeval with the State; and we find no Letters of its Institution, because it is the Representation of the whole Monarchy, when it was assembled yearly in *Campo Martio*, under the first Race of our Kings, or of the Assembly of the Grandees of the Kingdom under the second, and many Years under the third.

The King's Sovereignty is not injured by a Defence of the fundamental Laws of his Kingdom. Every Nation has its own Form of Government. But it is particularly remarkable, that that of the *French Monarchy* is entirely natural, that every thing is always transacted by the Sovereign and his Subjects in Concert. It has ever been a reciprocal Correspondence. The Sovereignty of our Kings consists in doing Justice, and all sort of good Actions. In this they are the true Images of the Divinity, which can never do any ill; their Sovereignty is absolute, for the Execution, but not for the Destruction of the Laws.

These Truths are not to be esteem'd strange or dangerous: For though we live under a Monarchical Government, we must

must be allowed to distinguish between the Person of the King and the Royalty. The King's Person is always holy and sacred ; for which Reason he is attended by a Number of Officers, Guards and Nobility, and magnificent Robes have been invented, in which he appears at the grand Ceremonies, to inspire his People with Respect and Veneration. For this Reason likewise the Officers who attend his Person, continue in their Posts even after his Death.

But the Soul of the Royalty is a very different Thing. It is the Laws, it is Justice, and the several Ranks of which the State is composed : It is the Form of Government, it is the antient Custom of Succession, which hath lately been improperly called the *Salic Law*, which excludes all Females from the Throne ; and from the Design of which it may even be maintained, that Women ought never to be admitted Regents of the Kingdom. This Soul of Royalty can never be lodged in the Hands of one single *Favourite*, who taking on him the Title of *Minister of State*, besets the King's Mind, and governs him as he pleases, by suggesting such Ordinances to him, as are contrary to his Interest, the Good of the People, and the Cause of Religion. The King ought to pronounce his Oracles in Parliament,

ment, not in a private Council. It is there that the Sovereignty is principally deposited, and there his Majesty may exercise all the Rights of Monarchy.

It is not however to be denied, that our Government is Monarchical. But Monarchies are not always *Despotick*: only that of the Grand *Turk* is such; all the rest, which subsist at present, are tempered with a sort of *Aristocracy*, which maintains and preserves them. Every thing is done indeed in the Name of one Person; but one Person does not every thing. There is but one Seal, one publick Character, one lawful Power; but then this Power is formed by the Union of the Subjects with the Sovereign, and the Sovereign with the Subjects; it being certain that the *French* chose the Monarchical Form of Government, not with a View of losing their Liberty, but with that of maintaining and defending it.

It is proved that they had a yearly Meeting, as has been already observed, in *Campo Martio*, or *Campo Mago*, in order to enquire whether that Liberty, of which they were so jealous, had suffer'd any Damage; and that the Deliberations were carried on in all those Assemblies with full Liberty of Voting concerning every thing relating to the Government and Publick Right. *Tacitus*, speaking of the Assem-

Assemblies of the Germans, from whom we are descended, and who coming into Gaul, brought their Form of Government among us, gives this Account of their publick Assemblies. *Mox Rex, vel Princeps, prout ætas cuique, prout Nobilitas, prout decus Bellorum, prout Facundia est, audiuntur, auctoritate suadendi, magis quam jubendi potestate.* Si displicuit Sententia, fremitu aspernantur ; si placuit, frameas concutiunt. *Honoratissimum assensū genus est armis laudare.* That is, Then the King, or one of the Princes speaks, or any other Person according to the Dignity of his Age, his Rank, his Behaviour in War, or his Character for Eloquence ; but not so much with a Power of Command, as an Authority of Persuasion. If what is offered be disagreeable to the Assembly, it is dismiss'd and rejected by a Noise which speaks their Contempt : if it proves agreeable, they clash their Swords together. The most honourable Manner of testifying their Assent, is to praise a Person with their Arms. And in the same Place that Historian, speaking of the Manners of our Ancestors, has these remarkable Words. *Rex ex Nobilitate, Duces ex Virtute ; nec Regibus infinita, aut libera Potestas.* That is, Their Kings are chosen on the Consideration of their Nobility, their Generals for their Valour ; nor is the Power

*Power of their Kings infinite, or free from all Restraint.*

This Form of Government has been continued from Age to Age down to our Time ; even in the sedentary Parliament, where every Matter ought to be decided with Cognizance of Cause, the King at this Day allows of Pleading against himself. His Attorney General or Advocates appear at the Bar as Parties.

From what has been said, let any Man judge, *First*, What Idea he is to form of the Parliament, which ought not to be called that of *Paris*, as the superior Courts erected in some Provinces of this Kingdom bear the Name of the City in which they are held, and which ought not to be styled Parliaments, being established only to judge of Appeals, and give a final Decision in Causes already tried in inferior Courts. For there is but one Parliament in strict Propriety of Speech, and its Name cannot be communicated to any other Court. Those which bear it at present are to be looked on only as the Substitutes of the Parliament, in what regards its most noble and essential Quality. Accordingly, when those Courts were free, they always gloried in their Conformity to the Sentiments and Decisions of the Parliament, now residing in the Capital City of the

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Kingdom, being as it were its Echo, and, if possible, acquiring a sort of Likeness to it.

*Secondly,* Let it be considered how prodigiously we now see this venerable Body degraded, not by the Royal Authority, but by the ambitious Enterprizes of *Favourites*, Enemies of the State, who have arrogantly assumed the Title of *Ministers*, and by whom our Kings have permitted themselves to be abused ; raising, as I may say, Altar against Altar, by establishing a sort of Jurisdiction both new and insupportable, which is called *the King's Council of State*, in direct Opposition to the fundamental Laws of the Kingdom ; and the Princes, Dukes, Peers, Members of the Parliament have given but too easily into this Innovation.

*Thirdly,* On the same Foot let it be considered what Validity is to be allowed those Orders gain'd from the King by Surprize, which remove \* *Appeals as from an Abuse* to this new Tribunal, of which the Parliament is the only competent Judge ; and what is to be thought of these extraordinary Commissions establish'd for depriving that Court of the Cognizance

\* *Apel comme d'Abus.* This is a Law Term, particularly used when Causes are by Appeal removed from the Ecclesiastical Court to the Parliament.

zance of such Causes and Sentences, as on the first Demand of Justice, belong to the inferior Tribunals, and by Appeal to the Parliament.

## OBSERVATIONS.

The Origin of Edicts and Declarations is dated in the Reign of *Philip the Fair*. That King, not being constantly at the Head of his Parliament, transmitted his Will to that Court in Letters Patent, to be examined there with Liberty of Votes: but those Declarations were never consider'd as the King's real Will, till recorded in the Parliament. They are not only to be signed by a Secretary of State, but also to be examined and sealed by the Chancellor and Keeper of the Seals, in the Form established for each of those different Instruments, which declare the King's Will. If this is not done, no Regard is paid to them, and the Parliament never receives them without these Formalities. It is farther necessary, that those Decrees be presented to them directly by his Majesty's Advocates and Attorney General, in order for their Reception.

The Parliament has then a Right to examine whether the Prince has not been imposed on, and whether these Instruments, which declare his Will, contain any thing contrary to his Majesty's Interest, the Rights of his Crown, the publick Good, or Religion. If any thing of this Kind appears, they are to make their Observations and Remonstrances ; and do all in their Power to persuade the King to reform, or even entirely suppress such Edicts and Declarations.

The first Examination of them is to be made by the Chancellor, who must never sign the Minute, nor seal the Dispatch, if he is Keeper of the Seals, when they contain any thing contrary to the Points already mentioned. For, as he is at present the first Magistrate in the Kingdom, he is obliged to act in Concert with the Parliament.

But, as our Kings were sensible that the Chancellor himself might be imposed on, or impose on them, they require, that in order to give these Acts of their Will the Force of a Law, they be also examined, received and register'd in the Parliament, and then that the same be done in the superior Courts which bear that Name in the several Provinces ; and in certain Cases direct, that if they find any

any thing in them contrary to their Service and the publick Good, no Regard be had to them.

Things being thus established, not originally, but by a Corruption of Times and Manners, this Dilemma may be made. Doth the King stand in need of the Consent and Registring of the Parliament, to give his Will the Force of a Law; or is he under no such Necessity?

If not, but he has full Power to execute his Laws without the Consent of his Subjects represented by the Parliament, which represents all the States of the Kingdom, Why does his Majesty send these Acts to that Court which declare his Will?

If on the other hand, such Consent, &c. are requisite; it is impossible that his Majesty should be offended, if the Parliament refuses to register certain Acts, when it finds they were made surreptitiously, and contain such Things as injure the King's Interest, the Rights of the Crown, and the Good of his Subjects, and if that Court makes its most humble Remonstrances to his Majesty, to acquaint him with the Reasons of such Refusal. This Conduct can never be consider'd as an Act of Disobedience; because, on the contrary, it would be highly criminal not

to

to make these Remonstrances, and the Members of Parliament would betray their Trust, if they neglected them ; for they are in Honour and Conscience obliged to proceed in this Manner. It is to no Purpose to answer, that God having permitted some Alterations in the Form of our Government, the Judges, Magistrates, and all the Members of Parliament insensibly fell under an Obligation of executing all the Edicts and Declarations sent to that Court, though unjust in several Particulars ; and that the King alone is accountable to God for this Action. For these Magistrates and Members ought to be well instructed in the Foundation of the Monarchy, and the mutual and reciprocal Obligations of the Prince and his People. The pernicious Changes, which have made the People Slaves to the ungovernable Passions of ambitious Ministers, are to be imputed to the slothful Negligence of those Magistrates, as well as to the bold and enterprizing Actions of the Court Favourites. It is their Duty to oppose such Steps, or lay down their Office. God, their supreme Judge, will call them to Account for this false Complaisance, and blind Obedience ; as on the other hand he will punish the Attempts of the Sovereign

vereign against his Subjects, in Violation of his Oath to govern them according to the Laws of his Kingdom.

*An Account of the Council of State.*

The King's Council bears no publick Character, or Mark of Dignity: it is composed only of such Persons, who make no Body in the State, and who have raised themselves to their present Height only by the Corruption of the last Age. It is not yet an hundred Years, since the King first began to give his *Letters* to the Counsellors of State; they had formerly no more than a simple *Brief* from the Crown. They have no Jurisdiction in *contentious* Affairs, as appears from all our *Ordinances*. That of *Blois* is plain on this Point in *Art. 91.* The *Declaration* of *October 1648.* speaks as distinctly and expressly to the same Purpose. And an Attempt to abrogate or weaken the *Arrêts* (Acts) of Parliament, is a manifest and intolerable Incroachment.

Let it not be said, that the King being present at the Deliberation, and that being carried on in the *Conseil d'en haut* (*the Council above*) no Authority is

superior to it. The *Conseil d'en haut* is a new Expression, invented by the *Ministers* for the Support of their Tyranny. It was invented by the Regency, in the Reign of *Lewis XIII.* and entirely unknown till that Time. Foreigners have corrupted the way of speaking used by our Forefathers, as well as their Morals and Discipline.

But whether the King be present in his Council, or not, it is certain at least, he doth not assist there to destroy the Laws of the Kingdom ; on the contrary, the Sovereignty consists chiefly in the Preservation of them ; it is his Oath, the Contract which he has made with his People. Nothing therefore, that is treated of in his private Council, can destroy the Order established in his Kingdom.

The Council may have its Affairs, the Parliament has some peculiar to itself. The Council may treat of rewarding Services, of conferring Honours and Dignities. When War is concluded, they may likewise deliberate, whether Battel shall be given or not, or Siege be laid to one Town rather than another. It would be inconvenient to debate these Points in Publick ; the Privacy, with which they are discussed, does

does no Prejudice to the Laws, and Polity of the State. But, whenever the Enquiry turns on any thing which concerns the People, it is not to be made in the Council. The King can form no Contract with his People, but in the Parliament, nor repeal any thing which he had done before, but in the same Place. It is a *contentious* Affair, and the whole must be examined there with Liberty of Voting ; and even when those Innovators first disputed this Authority, they actually acknowledged it by sending several Edicts to the Parliament for their Acceptation, which remained unexecuted, because rejected by that Court.

We have an authentick Proof of this in the Ordinance of Lewis XI. in 1467. That Prince speaking of his Officers, says, *They are an essential Part of the Publick, and Members of the Body, of which he is the Head.* He does not here speak of the Council of State; there was then no such Court in France, at least for determining any thing relating to the Civil Government of the Kingdom, and giving Laws to the Parliament. In Reality, this Ordinance was made with no other Intent than to prevent any Officer being deprived of

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his Post, but by Death, or Offence legally proved, that is, with Cognizance of Cause. Might it not be inferred from the Design of this Ordinance, that no Member of Parliament can be banished by *Lettre de Cachet*? For by this they are deprived of their Office; much less can the whole Body be subject to such a Sentence. An Attempt to banish them, is a Violation of the fundamental Law of the State, because they are as ancient as the State itself. The same cannot be said of the other superior Courts, improperly called Parliaments: they are created Jurisdictions, and most of them very \* modern, which may be annihilated in the same Manner as they first received their Being. If any one of the Members of the Body, has been served with an Order of Council, or *Lettre de Cachet*, and even their whole Body removed from the Place of their first Establishment to other Cities; such Examples are not to influence the Parliament, which can bear no Repri mand in its Members but by Sentence passed, the King sitting, or supposed to be sitting in the Parliament; because all the Members of that venerable Body are born

\* See their Dates at the End of this Discourse.

born with the State, and their Origin is as antient as the Monarchy itself.

This Ordinance of 1467. cannot be applied to the Counsellors of State, who may be displaced at the King's Pleasure, have no Title or publick Character, and consequently cannot pretend to an absolute Power. The Rights of Empire and Sovereignty are not exercised among them, the Cause of the Publick is debated in the Parliament ; there the last Resolutions are form'd, which bind and engage the People.

But it may be asked : Why then does the Council of State judge of certain Regulations, and often give a decisive Sentence in Disputes between the superior Courts newly erected ? The Answer is very easy. Because those superior Courts, improperly called *Parliaments*, growing more numerous in Process of Time, a third Power became necessary for deciding such Differences as might arise between them. The *great Council* was formerly established for this Purpose ; and the King's Council has usurped this Privilege, as it has several others. But this is no Mark of Superiority ; for in Causes of Arbitration it is no uncommon Thing for the Parties to be of a higher Rank than the Umpires.

pices. Beside, it is well known that these Regulations never relate to Publick Affairs, they are Matters which concern only private Persons : This is not the most honourable Employment of the Parliament, which on such Occasions is considered only as the first superior Court of Judicature, which has its Limits. This is only an Accessory introduced when it became Sedentary. Whereas the Court Ministry, who have made it their Business to corrupt every thing that may lay them under any Restraint, have been bold enough to affirm this is the chief Employment of the Parliament, and the only Design of its Establishment ; which is evidently false.

On the other hand, an Attempt was once made, in favour of Cardinal *Mazarin*, to evade this accessory Jurisdiction of the Parliament, when in the Order of Council made *January the 18th 1652*, for annulling all the Parliaments Proceedings against his Eminence, it was pretended that the Order issued by that Court was injurious to the College of Cardinals and the Head of the Church ; thereby insinuating that the *French*, or naturalized Cardinals, even those who are in publick Offices, are not accountable to the Parliament. Is there one Native of *France*,

or

or one Foreigner residing in this Kingdom, who can say he is exempt from the Parliament's Jurisdiction ? Even the Princes of the Blood are subject to its Authority, it is their proper Judge, and they have always applied to it as such.

Shall the Cardinals claim this Exemption, because they take an Oath to the Pope, and are styled Princes of the Church ? This is an Oath unknown in *France*, which lays no Obligation on our Kings, and cannot prejudice their Jurisdiction and Authority over their Subjects, and all who live in the Kingdom. And in Reality, we have an Infinity of Instances of Cardinals and Bishops who have been tried in *France*, and in Parliament.

In the Year 1227, *Philip Augustus* passed Sentence on *Manasses*, Bishop of *Orleans*. An *Arret* (Act) of Parliament was also made in 1373, against the Archbishop of *Rouen*. Cardinal *Balue*, Bishop of *Angers*, and the Bishop of *Verdun*, were committed to Prison in the Reign of *Lewis XI*, and their Imprisonment was judged lawful even at *Rome*, and by the Pope himself, to whom the King sent an Account of it, when he was informed, that by the Laws of the Kingdom no Man is exempt from the Jurisdiction of the King, and his Officers. Under the same King, *John Herbert*,

Bishop

Bishop of *Coutance*, was cited to appear before the Parliament, and answer to an Accusation brought against him. He appeared in that Court, and after his Examination, was put under an Arrest, carried to the *Conciergerie*, and all his Goods, with the Temporalities of his Benefices, confiscated. *Elias de Bourdeil*, Archbishop of *Tours*, and Cardinal, who lived in the same Reign, was cited to Parliament several times, and his Temporalities confiscated for being refractory against its *Arrêts*.

In 1549, *Arrêts* were made against the Bishops *Agen* and *Beziers*; those against *Cardinal de Chatillon* and *William Roze*, Bishop of *Senlis*, are well known: They may both be found in the Collection of the *Liberties of the Gallican Church*. The last to be mentioned here, is that of December 29, 1651, which promised 150,000 Livres to any Person or Persons, or to the Heirs of such Person or Persons, as should produce *Cardinal Mazarin*, living or dead.

This is the Manner in which we are to consider the *Council of State*, and should be far from imagining it has any Jurisdiction over the Parliament.

*Superior Courts in France, which are commonly called Parliaments, with their respective Institution.*

1. *Toulouze*, by *Philip the Fair* in 1302.
2. *Grenoble*, by *Charles VII.* 1453.
3. *Bourdeaux*, by *Lewis XI.* 1462.
4. *Dijon*, by the same King 1476.
5. *Rouen*, formerly an Exchequer, made a Parliament by *Lewis XII.* 1499.
6. *Aix*, by the same Prince 1509.
7. *Pau*, by *Henry I. King of Navarre*, Grandfather of *Henry IV.* 1519.
8. *Rennes*, by *Henry II.* 1558.

*F I N I S.*





